

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

HITUL GANDHI, individually and on behalf of a class of others similarly situated,

Plaintiffs,

V.

Case No.: 08-CV-0248 SS (Consolidated)

**DELL, INC. and
DELL MARKETING USA, L.P.**

Defendants.

PLAINTIFFS' UNOPPOSED MOTION TO TEMPORARILY SUSPEND DEADLINE

The Court recently consolidated the above-captioned case with another matter styled *Davis, et al. v. Dell Inc., et al.*, Case No. 08-CV-794. *See* Order [Doc. # 38].¹ Prior to its Order of consolidation, the Court had established November 3, 2008, as the deadline for Plaintiffs in the *Gandhi* matter to submit their Motion for Collective Action Certification Pursuant to Section 216(b) of the Fair Labor Standards Act (“FLSA”). *See* Scheduling Order [Doc. # 15]. In a subsequent Order, the Court briefly extended the time for certification discovery, but the Court did not alter the deadline for Plaintiffs to submit their Motion for Collective Action Certification.

After the Court entered its Order of consolidation, counsel for Plaintiffs in the consolidated actions began communicating about the most efficient way to manage the litigation, including the best method for seeking certification of the claims in the respective complaints. Given the new posture of the case and the upcoming status conference, counsel for Plaintiffs in the *Gandhi* matter hereby move the Court to suspend the deadline for them to file their Motion for Collective Action Certification, and hold that deadline in abeyance until after the status

¹ In the same Order, the Court scheduled a status conference for November 6, 2008.

conference on November 6. Counsel for the *Gandhi* Plaintiffs will submit a new proposed deadline for their Motion at the status conference, and ask the Court to enter a scheduling order accordingly.

Counsel for Defendants has been contacted and does not oppose this motion.

WHEREFORE, Plaintiffs respectfully request that the Court temporarily suspend the deadline for Plaintiffs in *Gandhi* to file their Motion for Collective Action Certification, and grant any other relief the Court may deem just and proper.

DATE: November 3, 2008

Respectfully submitted,

STUEVE SIEGEL HANSON LLP

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ATTORNEYS FOR PLAINTIFFS IN *GANDHI*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed on the Court's CM/ECF system on November 3, 2008, and delivered to the following individuals:

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